

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT TROHA and FREDERICK BIGNALL, )  
on behalf of themselves and all others )  
similarly situated, )

Plaintiffs, )

v. )

Civil Action No. 05-191 E

THE UNITED STATES OF AMERICA, )

Defendant. )

**DEFENDANT'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME**

Defendant, the United States of America, hereby moves for a one week extension of time to file its cross-motion for summary judgment and opposition to Plaintiffs' motion for partial summary judgment, to and including January 19, 2007. In support of this motion, Defendant states as follows:

(1) Plaintiffs filed their motion for partial summary judgment on title and liability issues on December 8, 2006. Pursuant to the Court's Order of November 27, 2006 (Doc. 24), Defendant's opposition and cross-motion for summary judgment is due on or before January 12, 2007.

(2) In connection with the briefing on title and liability issues, the parties previously reached a set of stipulations regarding title matters. Stipulations Regarding Title Matters, Joint Appendix, Ex. 2 (Doc. 27, filed Dec. 8, 2006).

(3) One of the title issues that was not resolved by the parties Stipulations was the question as to the nature of the interest that was conveyed to the railroad company by the deeds

in Category 3 (Grant Deeds With Release Language). Accordingly, as indicated in those Stipulations, the parties intended to brief this issue as part of their cross-motions for summary judgment. Stipulations, ¶ II.3. However, the parties recently reached a stipulation regarding the nature of the interest conveyed to the railroad by the deeds in Category 3. This stipulation is set forth in the parties' Second Set of Stipulations Regarding Title Matters, which has been filed this date. As a result of this additional title stipulation, the focus of the parties' cross-motions for summary judgment will be narrowed to the question of liability.

(4) Due to the time spent on title matters leading up to the recent stipulation, Defendant finds that it needs additional time to complete its cross-motion for summary judgment and opposition to Plaintiffs' partial motion for summary judgment on the question of liability. Defendant therefore respectfully requests a one week extension to file its cross-motion and brief, to and including January 19, 2007.

(5) Defendant had contacted Plaintiffs' counsel of record regarding its requested extension of time. Plaintiffs' counsel of record has indicated by telephone that Plaintiffs do not oppose this motion.

WHEREFORE, Defendant respectfully requests that it be granted a one week extension of time, to and including January 19, 2007, in which to file its cross-motion for summary judgment and opposition to Plaintiffs' motion for partial summary judgment on the question of liability.

Dated: January 9, 2007

Respectfully submitted,

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s/Kristine S. Tardiff  
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